

**Please note: Minutes are unofficial until approved by the Community Development Authority at the next regularly scheduled meeting.**

**PUBLIC HEARINGS**

5:30 P.M. (3)AB CU-09-05 Petron Corp. – 16700 W. Glendale Dr. – Above Ground Storage Tank.

**NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY  
MINUTES  
DECEMBER 2, 2009**

The public hearing relative to the request by James Bittner c/o Petron Corp. for a Conditional Use for an above ground storage tank located at 16700 W. Glendale Drive was called to order by Mayor Chiovaturo at 5:32 P.M.

In attendance were Mayor Chiovaturo, Donald Vaclav, John Fillar, Marta Broge, and Ken Harenda. Also present were Greg Kessler, Director of Community Development; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; and City Attorney Mark Blum. Ted Anderson was excused.

Ms. Bennett read the public hearing notice and stated there was proof of publication.

Ms. Bennett gave a brief presentation describing the request and showed maps indicating the location.

Mayor Chiovaturo asked three times for questions or comments for the purpose of clarification, seeing none.

Mayor Chiovaturo asked if there was anyone wishing to speak in favor of this application.

Jim Bittner, Petron Corp. – The approval of this storage tank will allow us to add at least two new employees to our payroll. That is part of the impetus for us going forward with this.

Mayor Chiovaturo asked three times if there was anyone else wishing to speak in favor of this application, seeing none.

Mayor Chiovaturo asked three times if there was anyone wishing to speak in opposition of this application, seeing none.

Mayor Chiovaturo asked for questions from the Committee.

Alderman Harenda – Is it sufficient for trucks backing up to the two overhead doors located on the east side? That should be fine? OK.

Mayor Chiovaturo asked for further questions from the Committee, seeing none.

Mayor Chiovaturo closed the public hearing at 5:37 P.M.

5:31 P.M. (7)JT CU-09-06 Denali Ingredients, LLC – 3110 S. 166<sup>th</sup> St. – Above Ground Storage Tank.

**NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY  
MINUTES  
DECEMBER 2, 2009**

The public hearing relative to the request by Arlen Meidenbauer c/o Denali Ingredients LLC for a Conditional Use for an above ground storage tank located at 3110 S. 166<sup>th</sup> Street was called to order by Mayor Chiovaturo at 5:37 P.M.

In attendance were Mayor Chiovaturo, Donald Vaclav, John Fillar, Marta Broge, and Ken Harenda. Also present were Greg Kessler, Director of Community Development; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; and City Attorney Mark Blum. Ted Anderson was excused.

Ms. Titel read the public hearing notice and stated there was proof of publication.

Ms. Titel gave a brief presentation describing the request and showed maps indicating the location.

Mayor Chiovaturo asked three times for questions or comments for the purpose of clarification, seeing none.

Mayor Chiovaturo asked for questions or comments for the purpose of clarification.

Arlen Meidenbauer, Denali Ingredients – We just recently purchased this building. We make flavors and ingredients for ice cream products. This nitrogen tank will be used to freeze products for manufacture. We intend to immediately hire eight to ten people for this facility with future growth because we will have room for more freezing tunnels in this facility.

Mayor Chiovaturo asked three times if there was anyone else wishing to speak in favor of this application, seeing none.

Mayor Chiovaturo asked three times if there was anyone wishing to speak in opposition of this application, seeing none.

Mayor Chiovaturo asked for questions from the Committee.

Mr. Vaclav – I want to thank you for purchasing another building in the industrial park. That was a very good move. Looking at your interior alterations and then where the tank is being placed, is that necessitated in the front of the building because the operation will be in the front compared to the back or the side? I think you get the prize for the biggest tank.

Mr. Meidenbauer – We will need that big of a tank. Freezing product takes a lot of nitrogen. We are expecting between one and two deliveries a month on this tank when we get up to full production. We need that big size. The freezing tunnel that we are putting in is on the west end of the facility. The piping is relatively expensive to purchase and install. That is why we want to keep it as short a distance as possible. It is also more efficient if it is closer. In this case it is not heat loss, it is freezing loss. That is why it is in the front of the building like it is.

Mr. Vaclav – That is what I was asking when I was looking at your plan, so that is the best placement. I know the trees are not going to provide the cover that you are looking for in fall and winter, therefore the 8' fence, but if it keeps the operation going and people are going to be hired, it is well worth it.

Mayor Chiovaturo asked for further questions from the Committee, seeing none.

Mayor Chiovaturo closed the public hearing at 5:42 P.M.

5:32 P.M. (3)JT CU-09-07 Mexican Accent LLC – 16675 W. Glendale Dr. – Above Ground Storage Tank.

**NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY  
MINUTES  
DECEMBER 2, 2009**

The public hearing relative to the request by Ed Granneman c/o Mexican Accent, LLC for a Conditional Use for an above ground storage tank located at 16675 W. Glendale Drive was called to order by Mayor Chiovero at 5:42 P.M.

In attendance were Mayor Chiovero, Donald Vaclav, John Fillar, Marta Broge, and Ken Harenda. Also present were Greg Kessler, Director of Community Development; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; and City Attorney Mark Blum. Ted Anderson was excused.

Ms. Titel read the public hearing notice and stated there was proof of publication.

Ms. Titel gave a brief presentation describing the request and showed maps indicating the location.

Mayor Chiovero asked three times for questions or comments for the purpose of clarification, seeing none.

Mayor Chiovero asked three times if there was anyone wishing to speak in favor of this application, seeing none.

Mayor Chiovero asked three times if there was anyone wishing to speak in opposition of this application, seeing none.

Mayor Chiovero asked for questions from the Committee, seeing none.

Mayor Chiovero closed the public hearing at 5:45 P.M.

**NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY  
MINUTES  
DECEMBER 2, 2009**

The Community Development Authority Meeting was called to order by Mayor Chiovatero at 5:45 P.M.

In attendance were Mayor Chiovatero, Donald Vaclav, John Fillar, Marta Broge, and Ken Harenda. Also present were Greg Kessler, Director of Community Development; Amy Bennett, Associate Planner; Jessica Titel, Associate Planner; and City Attorney Mark Blum. Ted Anderson was excused.

Motion by Ms. Broge to approve the November 5, 2009 Community Development Authority Minutes. Seconded by Mr. Vaclav. Motion passes unanimously.

**COMMUNITY DEVELOPMENT AUTHORITY EXECUTIVE DIRECTOR'S REPORT – No Report**

**CONTINUED BUSINESS**

1. PG-926 Mill Valley Redevelopment Plan – Discussion.

Mr. Kessler explained that there is no new information, but this item is on the agenda tonight to answer any questions from the CDA that might be left from the presentation at the last meeting.

Alderman Harenda – I was not at the last meeting, however, I am aware of what is going on. To bring everybody up to speed for the internal discussions with staff, what is the next step? What are we looking to do next?

Mr. Kessler – The overall Comprehensive Plan is at the Council level. We were going to wait to see how that plays out, and then ask for a recommendation from this body on this particular project sometime early next year. At that point, we would then approve a Resolution and send it on to Council, and upon approval of that, begin inter-municipal negotiations with the City of Muskego.

Mayor Chiovatero – I would note that I did meet with Mayor Johnson about this project last week. I asked him if he had any questions or concerns. He was going to go back to see his people and come back to us if they had questions for discussion. He feels it is a good project, but needs to do further checking regarding concerns with the utilities. He had no real issues and was happy that I went to him to talk.

Alderman Harenda – The minutes talk of a discussion for a potential TIF. The property is within the boundary of the City of New Berlin but falls within the Muskego Norway School District. The utilities coming from Muskego is one issue we would have to deal with. There have been discussions over the last eight years in respect to that. Details on the cost and sharing responsibilities and liabilities of the TIF need to be worked out. The School District has no say in discussion with respect to the infrastructure. They do have a say in the TIF structure. Mr. Eberle mentioned that the TIF will be reviewed by the joint review board, and I just want to make sure that cash contributions and things like that will be addressed at that time. Do we actually get involved with bringing the School Districts into discussion at that point?

Mayor Chiovatero – I did approach our School District and they would not be involved. It would be definitely with Muskego.

Alderman Harenda – Attorney Blum, when you talk about setting up a TIF structure and whose liability will cover what, can a school body or district be brought into that? The agreement would basically be between the City of New Berlin vs. the Muskego School District.

Attorney Blum – The TIF District would be within the City of New Berlin, so it would be the City of New Berlin dealing with the Developer with respect to the structure of the TIF Agreement or the Developer's Agreement for the site, and then ultimately you would be looking at a TIF where you would be looking for guarantees from the Developer to cover the financing that would be necessary as part of that. The School District really wouldn't have a role or a vote until you get to the time of the joint review board asking if this is an appropriate project for a TIF. In terms of a place at the table for the Developer's

Agreement and those discussions, no the School District would not, but I think the City of Muskego would be looking at a benefit to their school district as part of the issue with utilities. That will remain to be seen.

Alderman Harenda – About six or seven years ago I made a formal request to New Berlin School Board to make an application request to pull this into the New Berlin School District. At that time the School Board decided not to go that route. It is politically problematic if they did request it today that various bodies could contest that and drag it out and eventually go to the state. The benefit does fall within their district, so it is a concern. I prefer that benefit would fall within New Berlin School District, but I don't know if that will be possible.

So everyone understands, we are looking to deal with the Comprehensive Plan first, make the formal recommendation from Council back to CDA before we make a movement towards formalizing negotiations with the City of Muskego regarding the infrastructure and the offsets with respect with that.

City Attorney Blum – Because of the consistency requirement, it makes sense that you would approve your Master Plan before you look at an important project like this.

Mayor Chiovaturo asked for any further questions or comments.

Mr. Fillar – In regard to the Muskego School District, I think they should be involved with this and at least be notified and make sure they have access to the meetings, discussions, and minutes because once they realize the benefit they will gain from this, they could perhaps lobby the City on our behalf, which from my point of view, would be for Muskego to contribute financially to this. I would hope somebody from New Berlin would just flat out ask Muskego if they could help out. Yes or No?

Mayor Chiovaturo – That will be part of the negotiations in the intergovernmental agreement. Right now, I was just taking the temperature and seeing if there are any issues they see that would prevent us from even moving forward. We talked a little about the School District benefits and Mayor Johnson is checking about some questions because he has been told that it is only a one year benefit for them. I didn't understand that so he is going to check on it and get back to me. That is the only discussion we had on that, the rest was about the infrastructure and how it plays out in their future development of the area.

Mr. Fillar – Greg, at one of these meetings can you get that map that Dave Haines put together and put it up on the board?

Mr. Kessler – The one you emailed out?

Mr. Fillar – Yes.

There were no further comments or questions from Committee Members at this time.

## **NEW BUSINESS**

2. (3)AB CU-09-05 Petron Corp. – 16700 W. Glendale Dr. – Above Ground Storage Tank.

Motion by Ms. Broge to approve the installation of a nitrogen above-ground nitrogen storage tank located at 16700 W. Glendale Drive subject to the application, plans on file and the following conditions:

- 1) Site Plan:
  - a) The equipment consists of an above-ground nitrogen storage tank with within an enclosure.
  - b) The above-ground nitrogen tank shall be reviewed and approved under separate permit through the City of New Berlin Fire Department.
  - c) Per the New Berlin Industrial Park Redevelopment Plan Design Guidelines, the proposed chain-link fence enclosure shall have a non-clear vinyl coated slating.
- 2) Building Inspections:
  - a) If the tank is required to have a concrete foundation, the installation of that foundation shall require a building permit.

- b) Foundation plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Enrolled Commercial Building Code. (Comm 61.31 Plans)
- c) Foundation plans shall be approved by the New Berlin Department of Community Development Inspection Division per State of Wisconsin Dept. of Commerce Safety and Buildings Division and the Wisconsin Enrolled Commercial Building Code. (Comm 61.70 Certified municipalities and counties.)
- d) Apply and obtain appropriate building, plumbing and electrical permits.

Seconded by Mr. Vaclav. Motion carried unanimously.

3. (7)JT CU-09-06 Denali Ingredients, LLC – 3100 S. 166<sup>th</sup> St. – Above Ground Storage Tank.

Motion by Alderman Harenda to approve the installation of an above-ground nitrogen storage tank and approval for an 8-foot high fence surrounding the tank located at 3100 S. 166<sup>th</sup> Street subject to the application, plans on file and the following conditions:

- 1) Site Plan:
  - a) The equipment consists of an above-ground nitrogen storage tank with all the mechanicals for the tank within an enclosure.
  - b) Above-ground storage tank shall be reviewed and approved under separate permit through the City of New Berlin Fire Department.
  - c) Per the New Berlin Industrial Park Redevelopment Plan Design Guidelines, the proposed chain-link fence enclosure shall have a non-clear vinyl coated slating.
- 2) Building Inspections:
  - a) If the tank is required to have a concrete foundation, the installation of that foundation shall require a building permit.
  - b) Foundation plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Enrolled Commercial Building Code (Comm 61.31 Plans).
  - c) Foundation plans shall be approved by the New Berlin Department of Community Development Inspection Division per State of Wisconsin Dept. of Commerce Safety and Buildings Division and the Wisconsin Enrolled Commercial Building Code. (Comm 61.70 Certified municipalities and counties.)
  - d) Apply and obtain appropriate building, plumbing and electrical permits.

Seconded by Mr. Vaclav. Motion carried unanimously.

4. (3)JT CU-09-07 Mexican Accent LLC – 16675 W. Glendale Dr. – Above Ground Storage Tank.

Motion by Mr. Fillar to approve the installation of an above-ground nitrogen storage tank located at 16675 W. Glendale Drive subject to the application, plans on file and the following conditions:

- 1) Site Plan:
  - a) The equipment consists of an above-ground nitrogen storage tank with all the mechanicals for the tank within an enclosure.
  - b) Above-ground storage tank shall be reviewed and approved under separate permit through the City of New Berlin Fire Department.
  - c) Per the New Berlin Industrial Park Redevelopment Plan Design Guidelines, the proposed chain-link fence enclosure shall have a non-clear vinyl coated slating.
- 2) Building Inspections:
  - a) If the tank is required to have a concrete foundation, the installation of that foundation shall require a building permit.
  - b) Foundation plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Enrolled Commercial Building Code (Comm 61.31 Plans).

- c) Foundation plans shall be approved by the New Berlin Department of Community Development Inspection Division per State of Wisconsin Dept. of Commerce Safety and Buildings Division and the Wisconsin Enrolled Commercial Building Code. (Comm 61.70 Certified municipalities and counties.)
- d) Apply and obtain appropriate building, plumbing and electrical permits.

Seconded by Ms. Broge. Motion carried unanimously.

5. (3)AB UA-09-61 ABB, Inc. – 16250 W. Glendale Dr. – Accessory Structure.

Motion by Mr. Fillar to approve an accessory building located at 16250 W. Glendale Drive subject to the application, plans on file and the following conditions:

- 1) The accessory building shall be used and constructed as described in the submitted Plan of Operation.
- 2) The accessory building shall be approved by the Architecture Review Committee prior to issuance of the Zoning Permit.
- 3) The existing fire lane shall not be blocked by the accessory structure.
- 4) Building plans shall be signed and stamped by a licensed architect or professional engineer per the Wisconsin Enrolled Commercial Building Code (Comm.61.31).
- 5) Apply and obtain appropriate building and electric permits.
- 6) Plans shall be approved by the City of New Berlin Department of Community Development Inspection Division per (Comm. 61.70)

Seconded by Mr. Vaclav. Motion carried unanimously.

**ADJOURN**

Motion by Mr. Vaclav to adjourn the Community Development Authority meeting at 6:06 P.M.  
Seconded by Ms. Broge. Motion carried unanimously.